

PATENT  
Attorney Docket No. 06028/0131-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Frédéric Simonet et al. ) Group Art Unit: 1619  
Application No.: 10/585,209 ) Examiner: Mattison, Lori K.  
Filed: May 30, 2007 )  
For: COSMETIC COMPOSITION OF THE ) Confirmation No.: 9616  
WATER-IN-WATER TYPE )  
EMULSION BASED ON )  
SURFACTANTS AND CATIONIC )  
POLYMERS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37.C.F.R. § 1.132

I, Frédéric Simonet, do hereby make the following declaration:

1. I am a French citizen, residing at 5 place de la République 92110 CLICHY, France
2. I have been awarded a PhD in Physical Chemistry of Polymers (University Pierre et Marie Curie PARIS, France).
3. I have been employed by L'Oréal as a scientist in physical chemistry since 2000 and have experience working with surfactants and polymers.
4. The following formulations A and B were prepared.

The data are indicated in weight percentage of active materials (weight is with respect to the total weight of each formulation):

	A	B (invention)
sodium lauryl ether sulphate (2.2 OE)	2.6%	20 %
Merquat 100	1.0%	1.0 %
butyldiglycol	2.0%	2.0%
sodium chloride	12.0%	12.0%
Water	Qs 100 %	Qs 100 %

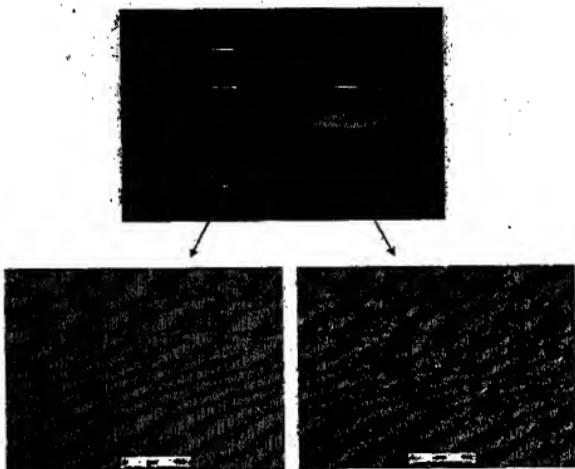
5. Compositions A and B were prepared by mixing, in a first step, water, butyldiglycol, sodium chloride, and sodium lauryl ether sulphate. Merquat 100 is added in a second step in order to avoid formation of an insoluble complex between the cationic polymer (Merquat 100) and the anionic surfactant (sodium lauryl ether sulphate).

Photographs were taken using a Zeiss Axioskop 2 Mot Plus microscope (interferential contrast) at a magnification of 20X. The photographs were taken between a slide and a thin strip.

6. Composition A is a clear and fluid solution. It is not a water-in-water emulsion.

7. Composition B according to the invention is a cloudy and quite viscous solution. The observation by microscope reveals the presence of droplets whose size may be up to 20 $\mu$ m. Composition B is a water-in-water emulsion as defined in the present application.

8. The enclosed figures present photographs of compositions A and B without magnification and photographs of both compositions taken using a microscope.



9. No droplets appear on the photograph of composition A taken using a microscope. In contrast the photograph of composition B taken using a microscope shows the presence of droplets.

10. This study demonstrates that example 4 of patent US 4 940 576 is not a water-in-water emulsion and that composition B according to the present application is a water-in-water emulsion.

11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 27 January 2009

By: Frédéric Simonet  
Frédéric Simonet